



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Tom DeBerry, Member,
State Board of Control
Austin, Texas

Dear Senator DeBerry:

Opinion No. O-2550

Re: Does the Board of Control have the authority to approve the exchange of 2000 empty one-gallon tin cans of the Austin State School for vegetables already processed by Texas Prison System?

We beg to acknowledge receipt of your letter of July 17, 1940, propounding for a legal opinion the following question:

"Dr. M. I. Brown, Superintendent of the Austin State School, Austin, Texas, has about two thousand (2000) empty one gallon tin cans, and has no use for them. The Prison System can use these cans and have agreed to exchange vegetables already processed for these cans. Does the Board of Control have the authority to approve this exchange?"

The Board of Control is given a very general power over the various departments, boards, institutions and public offices of the State with respect to fiscal and economic matters. See Art. 603 Rev. Civ. Stat.

The Board is especially authorized "to make contracts with the State Prison Board for the purchase of supplies, * * * including food, * * * and all other supplies or agricultural or manufactured products, * * * for use of the State in any of its departments, commissions, boards, offices or eleemosynary or educational institutions." Rev. Civ. Stat., Vernon's Cod., Art. 634 1/2.

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Article 665 of the Revised Civil Statutes declares:

"The State Board of Control shall have charge and control of all public buildings, grounds and property of the State, and is the custodian of all public personal property, and is charged with the responsibility to properly care for and protect such property from damage, intrusion or improper usage."

In our Opinion No. 0-1376 we construed this statute, "to authorize the Board of Control to accept from any State department or institution under its control supplies and equipment no longer usable or needed for use by such department or institution, and to place the same in the hands of any other department or institution having need of the same (at least temporarily, if not permanently) where such exchange is mutually satisfactory to the two departments or institutions concerned, as an act of conservation under the general power above conferred on the Board."

Upon these considerations you are respectfully advised it is the opinion of this department that the Board of Control does have the authority to approve the exchange suggested in your letter of inquiry.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

OS-MR

APPROVED: OCT 14, 1940

George Mann
ATTORNEY GENERAL

